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From: Peter F. Malen, Jr.
Reg. No. 45,576

Date: September 26, 2005

File No./Subject: **TERMINAL DISCLAIMER**
United States Patent Application
Serial No.: 10/722,087
Filing Date: November 25, 2003
Title: OPERATIONAL AMPLIFIER FOR OPTICAL TRANSCEIVER
Applicants: Shapiro, et al.
Our File: 15436.253.72.2

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PATENT APPLICATION
Docket: 15436.253.72.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Shapiro, et al.

Serial No.:

10/722,087

Conformation No.:

7969

Filed:

November 25, 2003

For:

OPERATIONAL AMPLIFIER FOR
OPTICAL TRANSCEIVER

Examiner:

Hung Vy

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TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Declarant, Peter F. Malen Jr., represents that he is the Attorney of Record for Finisar Corporation, a corporation of the State of Delaware, having a principal place of business at 1308 Moffett Park Drive, Sunnyvale, California 94089, and that he is authorized to make this Declaration and execute this Terminal Disclaimer on behalf of Finisar Corporation. Declarant further represents that Finisar Corporation is the assignee of the entire interest of the above-identified application, by virtue of the Assignment in the *parent* case (10/285,203, now issued as

U.S. Patent No. 6,728,276) recorded at reel 013452, frames 0163 (a copy of which is attached hereto as Exhibit A) in the records of the U.S. Patent and Trademark Office. Declarant hereby further certifies that the evidentiary document at Exhibit A has been reviewed by him, and to the best of Declarant's knowledge and belief, title is in the Assignee seeking to take action.

The Assignee hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of said U.S. Patent No. 6,728,276 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to said U.S. Patent No. 6,728,276, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

The Assignee does not disclaim any terminal part of any patent granted on the above-identified application that would extend beyond the term of said U.S. Patent No. 6,728,276, in the event that said U.S. Patent No. 6,728,276 later: (a) expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a); (b) has all claims cancelled by a reexamination certificate; or (c) is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Declarant further declares that all statements made herein of Declarant's own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the

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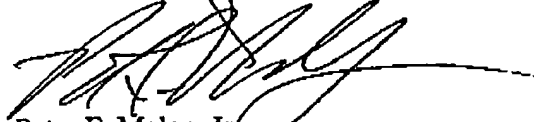
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like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated this 26th day of September, 2005.

Respectfully submitted,



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